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9 **Attorney for Plaintiff**  
10 **Joe Hand Promotions, Inc.**

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE**  
13 **WESTERN DISTRICT OF PENNSYLVANIA**  
14 **PITTSBURGH DIVISION**

15 **JOE HAND PROMOTIONS, INC.,**

16 **Plaintiff,**

17 **vs.**

18 **KAILASH PATEL, individually and d/b/a**  
19 **MAIN STREET BREWHOUSE; and PSP**  
20 **BEER, LLC, an unknown business entity**  
21 **d/b/a MAIN STREET BREWHOUSE,**

22 **Defendants.**

**Case No.:**

**COMPLAINT**

23 **PLAINTIFF ALLEGES:**

24 **JURISDICTION**

25 1. Jurisdiction is founded on the existence of a question arising under particular statutes. This  
26 action is brought pursuant to several federal statutes, including the Communications Act of 1934,  
27 as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection and  
28 Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*

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1 2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C.  
2 Section 1331, which states that the District Courts shall original jurisdiction of all civil actions  
3 arising under the Constitution, laws, or treaties, of the United States. This Court has subject matter  
4 jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).

5 3. This Court has personal jurisdiction over the parties in this action as a result of the  
6 Defendants' wrongful acts hereinafter complained of which violated the Plaintiff's rights as the  
7 exclusive commercial domestic distributor of the televised fight *Program* hereinafter set forth at  
8 length. The Defendants' wrongful acts consisted of the interception, reception, publication,  
9 divulgence, display, exhibition, and tortious conversion of said property of Plaintiff within the  
10 control of the Plaintiff in the State of Pennsylvania.

#### 11 VENUE

12 4. Pursuant to Title 47 U.S.C. Section 605, venue is proper in the District of Pennsylvania,  
13 because a substantial part of the events or omissions giving rise to the claim occurred in this  
14 District.

#### 15 INTRADISTRICT ASSIGNMENT

16 5. Assignment to the Pittsburgh Division of the District of Pennsylvania is proper because  
17 a substantial part of the events or omissions giving rise to the claim occurred in Washington  
18 County and/or the United States District Court for the District of Pennsylvania has decided that  
19 suits of this nature, and each of them, are to be heard by the Courts in this particular Division.  
20

#### 21 THE PARTIES

22 6. Plaintiff, Joe Hand Promotions, Inc. is, and at all relevant times mentioned was, a  
23 Pennsylvania corporation with its principal place of business located at 407 E. Pennsylvania Blvd.,  
24 Feasterville, Pennsylvania 19053.

25 7. Defendant Kailash Patel is an officer of PSP Beer, LLC, which owns and operates the  
26 commercial establishment doing business as Main Street Brewhouse. Main Street Brewhouse  
27 operates at 250 S. Main Street, Washington, Pennsylvania 15301.  
28

1 8. Defendant Kailash Patel is also an individual specifically identified on the Pennsylvania  
2 Liquor Control Board license issued for Main Street Brewhouse (ABC # R 1649).

3 9. Plaintiff is informed and believes, and alleges thereon that on August 6, 2011 (the night of  
4 the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Kailash  
5 Patel had the right and ability to supervise the activities of Main Street Brewhouse, which included  
6 the unlawful interception of Plaintiff's *Program*.

7 10. Plaintiff is informed and believes, and alleges thereon that on August 6, 2011 (the night of  
8 the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Kailash  
9 Patel, as an individual specifically identified on the liquor license for Main Street Brewhouse, had  
10 the obligation to supervise the activities of Main Street Brewhouse, which included the unlawful  
11 interception of Plaintiff's *Program*, and, among other responsibilities, had the obligation to ensure  
12 that the liquor license was not used in violation of law.

13 11. Plaintiff is informed and believes, and alleges thereon that on August 6, 2011 (the night of  
14 the *Program* at issue herein, as more specifically defined in paragraph 16), Defendant Kailash  
15 Patel specifically directed the employees of Main Street Brewhouse to unlawfully intercept and  
16 broadcast Plaintiff's *Program* at Main Street Brewhouse or that the actions of the employees of  
17 Main Street Brewhouse are directly imputable to Defendants Kailash Patel by virtue of their  
18 acknowledged responsibility for the actions of Main Street Brewhouse.

19 12. Plaintiff is informed and believes, and alleges thereon that on August 6, 2011, Defendant  
20 Kailash Patel as an officer of PSP Beer, LLC and as an individual specifically identified on the  
21 liquor license for Main Street Brewhouse, had an obvious and direct financial interest in the  
22 activities of Main Street Brewhouse, which included the unlawful interception of Plaintiff's  
23 *Program*.

24 13. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of  
25 Plaintiff's *Program*, as supervised and/or authorized by Defendant Kailash Patel resulted in  
26 increased profits for Main Street Brewhouse.

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1 14. Plaintiff is informed and believed, and alleges thereon that Defendant, PSP Beer, LLC is an  
2 owner, and/or operator, and/or licensee, and/or permittee, and/or person in charge, and/or an  
3 individual with dominion, control, oversight and management of the commercial establishment  
4 doing business as Main Street Brewhouse operating at 250 S. Main Street, Washington,  
5 Pennsylvania 15301.

6 **COUNT I**

7 **(Violation of Title 47 U.S.C. Section 605)**

8 15. Plaintiff Joe Hand Promotions, Inc., hereby incorporates by reference all of the allegations  
9 contained in paragraphs 1-14, inclusive, as though set forth herein at length.

10 16. Pursuant to contract, Plaintiff Joe Hand Promotions, Inc., was granted the exclusive  
11 nationwide commercial distribution (closed-circuit) rights to *Ultimate Fighting Championship 133:*  
12 *Rashad Evans v. Tito Ortiz*, telecast nationwide on Saturday, August 6, 2011 (this included all  
13 under-card bouts and fight commentary encompassed in the television broadcast of the event,  
14 hereinafter referred to as the "*Program*").

15 17. Pursuant to contract, Plaintiff Joe Hand Promotions, Inc., entered into subsequent  
16 sublicensing agreements with various commercial entities throughout North America, including  
17 entities within the State of Pennsylvania, by which it granted these entities limited sublicensing  
18 rights, specifically the rights to publicly exhibit the *Program* within their respective commercial  
19 establishments in the hospitality industry (i.e., hotels, racetracks, casinos, bars, taverns, restaurants,  
20 social clubs, etc.).

21 18. As a commercial distributor and licensor of sporting events, including the *Program*,  
22 Plaintiff Joe Hand Promotions, Inc., expended substantial monies marketing, advertising,  
23 promoting, administering, and transmitting the *Program* to its customers, the aforementioned  
24 commercial entities.

25 19. With full knowledge that the *Program* was not to be intercepted, received, published,  
26 divulged, displayed, and/or exhibited by commercial entities unauthorized to do so, each and every  
27 one of the above named Defendants, either through direct action or through actions of employees  
28 or agents directly imputable to Defendants (as outlined in paragraphs 7-14 above), did unlawfully

1 intercept, receive, publish, divulge, display, and/or exhibit the *Program* at the time of its  
2 transmission at their commercial establishment in Washington, Pennsylvania located at 250 S.  
3 Main Street, Washington, Pennsylvania 15301.

4 20. Said unauthorized interception, reception, publication, exhibition, divulgence, display,  
5 and/or exhibition by each of the Defendants was done willfully and for purposes of direct and/or  
6 indirect commercial advantage and/or private financial gain.

7  
8 21. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of  
9 communications (such as the transmission of the *Program* for which Plaintiff Joe Hand  
10 Promotions, Inc., had the distribution rights thereto).

11 22. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of  
12 them, violated Title 47 U.S.C. Section 605, *et seq.*

13  
14 23. By reason of the Defendants' violation of Title 47 U.S.C. Section 605, *et seq.*, Plaintiff Joe  
15 Hand Promotions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 605.

16 24. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 605,  
17 and pursuant to said Section 605, Plaintiff Joe Hand Promotions, Inc., is entitled to the following  
18 from each Defendant:

- 19  
20 (a) Statutory damages for each willful violation in an amount to  
21 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also  
22  
23 (b) the recovery of full costs, including reasonable attorneys' fees,  
24 pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).

25 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

26 **COUNT II**

27 **(Violation of Title 47 U.S.C. Section 553)**  
28

1 25. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1-  
2 24, inclusive, as though set forth herein at length.

3 26. The unauthorized interceptions, reception, publication, divulgence, display, and/or  
4 exhibition of the *Program* by the above named Defendants was prohibited by Title 47 U.S.C.  
5 Section 553, *et seq.*

6  
7 27. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and each of  
8 them, violated Title 47 U.S.C. Section 553, *et seq.*

9 28. By reason of the Defendants' violation of Title 47 U.S.C. Section 553, *et seq.*, Plaintiff Joe  
10 Hand Promotions, Inc., has the private right of action pursuant to Title 47 U.S.C. Section 553.

11 29. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section 553,  
12 Plaintiff Joe Hand Promotions, Inc., is entitled to the following from each Defendant:  
13

14 (a) Statutory damages for each violation in an amount to  
15 \$10,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii); and also  
16

17 (b) Statutory damages for each willful violation in an amount to  
18 \$50,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(B); and also  
19

20 (c) the recovery of full costs pursuant to Title 47 U.S.C. Section 553  
21 (c)(2)(C); and also

22 (d) and in the discretion of this Honorable Court, reasonable attorneys' fees,  
23 pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).  
24

25 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

26 **COUNT III**  
27 **(Conversion)**  
28

1 30. Plaintiff's hereby incorporates by reference all of the allegations contained in paragraphs 1-  
2 29, inclusive, as though set forth herein at length.

3 31. By their aforesaid acts of interception, reception, publication, divulgence, display, and/or  
4 exhibition of the *Program* at their commercial establishment at the above-captioned address, the  
5 aforementioned Defendants, and each of them, tortuously obtained possession of the *Program* and  
6 wrongfully converted same for their own use and benefit.

7  
8 32. The aforesaid acts of the Defendants were willful, malicious, egregious, and intentionally  
9 designed to harm Plaintiff Joe Hand Promotions, Inc., by depriving Plaintiff of the commercial  
10 license fee to which Plaintiff was rightfully entitled to receive from them, and in doing so, the  
11 Defendants subjected the Plaintiff to severe economic distress and great financial loss.

12 33. Accordingly, Plaintiff Joe Hand Promotions, Inc., is entitled to both compensatory, as well  
13 as punitive and exemplary damages, from aforementioned Defendants as the result of the  
14 Defendants' egregious conduct, theft, and conversion of the *Program* and deliberate injury to the  
15 Plaintiff.

16 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

17  
18 **As to the First Count:**

- 19  
20 1. For statutory damages in the amount of \$110,000.00 against the Defendants,  
21 and each of them, and  
22 2. For reasonable attorneys' fees as mandated by statute, and  
23 3. For all costs of suit, including but not limited to filing fees, service of  
24 process fees, investigative costs, and  
25 4. For such other and further relief as this Honorable Court may deem just  
26 and proper;

27 **As to the Second Count:**

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1. For statutory damages in the amount of \$60,000.00 against the Defendants, and each of them, and;
2. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
4. For such other and further relief as this Honorable Court may deem just and proper.

**As to the Third Count:**

1. For compensatory damages in an amount according to proof against the Defendants, and each of them, and;
2. For exemplary damages against the Defendants, and each of them, and;
3. For punitive damages against the Defendants, and each of them, and;
4. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to statute, and;
5. For all costs of suit, including but not limited to filing fees, service of process fee, investigative costs, and;
6. For such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,

Date: August 2, 2012

  
**LAW OFFICES OF THOMAS P. RILEY, P.C.**

By: Thomas P. Riley  
Attorneys for Plaintiff  
Joe Hand Promotions, Inc.